

## CHAPTER Env-Wq 900 YOUTH RECREATION CAMPS

Statutory Authority: RSA 485-A:23 through RSA 485-A:25-g

## PART Env-Wq 901 PURPOSE AND APPLICABILITY

Env-Wq 901.01 Purpose. The purpose of these rules is to provide an environment conducive to promoting and protecting the health and safety of all campers and camp staff.

Env-Wq 901.02 Applicability.

(a) These rules shall apply to:

- (1) All youth recreation camps as defined herein; and
- (2) Any organization or program not required to be licensed under RSA 485-A:24 or RSA 170-E that chooses to apply for and obtain a license under these rules.

(b) Except as provided in (a)(2), these rules shall not apply to:

- (1) Any child day care agency as defined in RSA 170-E:2, IV; or
- (2) Places, entities, and programs exempt from licensing under RSA 170-E:3.

## PART Env-Wq 902 DEFINITIONS

Env-Wq 902.01 "Camp" means youth recreation camp as defined in Env-Wq 902.28.

Env-Wq 902.02 "Camp facilities" means all of the structures at a youth recreation camp, whether temporary or permanent, used by camp staff or campers for sleeping, eating, personal hygiene, recreation, instruction, health care, or camp management, or any combination thereof.

Env-Wq 902.03 "Camp staff" means the individuals employed or otherwise engaged by a youth recreation camp, whether for pay or not, to:

- (a) Manage the camp, including office personnel, managers, and kitchen and maintenance staff; and
- (b) Work directly with campers, including counselors, activity leaders, instructors, and health care providers.

Env-Wq 902.04 "Camper" means any person enrolled in a youth recreation camp.

Env-Wq 902.05 "Certified in first responder" means an individual certified by the United States department of transportation in First Responder, a National Highway Traffic Safety Administration, Emergency Medical Services First Responder Training Course of approximately 42 hours, or an individual certified in a nationally recognized course that instructs First Responder providing that its standards are no less stringent than the certification standards of the United States department of transportation.

Env-Wq 902.06 "Certified in CPR/FPR" means an individual certified by the American Red Cross in Cardiopulmonary Resuscitation for Professional Rescuer or an individual certified in a nationally recognized course that instructs CPR/FPR providing that its standards are no less stringent than the certification standards of the American Red Cross.

Env-Wq 902.07 "Certified in emergency response" means an individual certified by the American Red Cross in Emergency Response, an approximate 45 hour course or an individual certified in a nationally recognized course that instructs Emergency Response providing that its standards are no less stringent than the certification standards of the American Red Cross.

Env-Wq 902.08 "Certified in Responding to Emergencies" means an individual certified by the American Red Cross in Responding to Emergencies, an approximate 24 hour course, or an individual certified in a nationally recognized course that instructs Responding to Emergencies providing that its standards are no less stringent than the certification standards of the American Red Cross.

Env-Wq 902.09 "Communicable disease" means "communicable disease" as defined in RSA 141-C:2.

Env-Wq 902.10 "Contained YRC campus" means a parcel of land, with or without buildings thereon, that is:

- (a) Used for youth recreation camping;
- (b) Not open for use by the general public while the YRC is operating; and
- (c) Typically, but not necessarily, in a rural location.

Env-Wq 902.11 "Counselor" means an individual who is responsible for the direct supervision of campers and the supervision and training of counselors-in-training or junior counselors, or both.

Env-Wq 902.12 "Counselor-in-training (CIT)" means an individual who works directly with campers only under the supervision of a counselor.

Env-Wq 902.13 "Day camp" means a youth recreation camp that operates for less than 24 hours per day.

Env-Wq 902.14 "Department" means the department of environmental services.

Env-Wq 902.15 "Director" means the individual in charge of the day-to-day operations of a youth recreation camp.

Env-Wq 902.16 "Infirmary" means the area designated at a youth recreation camp for on-site medical care of campers.

Env-Wq 902.17 "Junior counselor (JC)" means an individual who works directly with campers only under the supervision of a counselor.

Env-Wq 902.18 "Off-site overnight camping" means any venture that:

- (a) Involves a recreation activity, including but not limited to hiking, climbing, biking, canoeing, horseback riding, water activities, camping, and tenting;
- (b) Occurs for the duration of one night or longer; and
- (c) Occurs outside of the normal sleeping quarters of the youth recreation camp.

Env-Wq 902.19 "Operating" or "in operation" means campers are in attendance at a youth recreation camp.

Env-Wq 902.20 "Person" means "person" as defined in RSA 485-A:2, IX, namely "any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity."

Env-Wq 902.21 "Physician" means, for purposes of RSA 485-A:25-b through RSA 485-A:25-f, "physician" as defined by RSA 485-A:25-b, V, and RSA 485-A:25-f, V, namely "any physician or health practitioner with the authority to write prescriptions."

Env-Wq 902.22 "Public water system (PWS)" means "public water system" as defined in RSA 485:1-a, XV.

Env-Wq 902.23 "Reportable disease" means a communicable disease, as defined in RSA 141-C:2, VI, required to be reported to the commissioner of health and human services pursuant to RSA 141-C:7 and He-P 301.02, as defined in He-P 301.01.

Env-Wq 902.24 "Residence camp" means a youth recreation camp which operates for 4 or more consecutive 24-hour days.

Env-Wq 902.25 "Season" means the period(s) of time in the licensing year during which a seasonal youth recreation camp plans to operate and does operate.

Env-Wq 902.26 "Seasonal camp" means a youth recreation camp that is not a year-round camp.

Env-Wq 902.27 "Year-round camp" means a youth recreation camp that operates during each calendar quarter of the year.

Env-Wq 902.28 "Youth" means individuals who are under 18 years of age.

Env-Wq 902.29 "Youth recreation camp (YRC)" means a program that operates for at least 10 days per license year for the purpose of providing recreational opportunities, or a combination of recreation and instruction, to 10 or more youth per day, at a place which is continuously or periodically used for such purposes. The term includes residence camps and seasonal and year-round day camps.

Env-Wq 902.30 "YRC owner" means the person that owns and is responsible for the operation and management of a YRC.

## PART Env-Wq 903 LICENSING

Env-Wq 903.01 License Required. As specified in RSA 485-A:24:

(a) No person shall for profit or for charitable purposes operate any youth recreation camp (YRC) without a license issued by the department; and

(b) The license to operate a YRC required by RSA 485-A:24 shall be good only for the calendar year in which it is issued.

Env-Wq 903.02 YRC License Applications.

(a) The applicant for a YRC license shall file a complete application as specified in (b), below, with the department at the following address:

Department of Environmental Services  
 Attn: Youth Recreation Camp Program  
 29 Hazen Drive  
 P.O. Box 95  
 Concord, NH 03302-0095

- (b) A complete application for a YRC license shall include the following:
  - (1) A completed application form as specified in Env-Wq 903.03, signed as specified in Env-Wq 903.05;
  - (2) Any additional required information as specified in Env-Wq 903.04;
  - (3) A completed checklist as specified in Env-Wq 903.06, signed as specified in Env-Wq 903.05;
  - (4) Certification that the YRC owner has verified that the YRC director meets the requirements specified in Env-Wq 904.01; and
  - (5) The fee required by RSA 485-A:24, payable to the state treasurer.
- (c) The applicant shall file the complete application:
  - (1) At least 30 days prior to the opening of the YRC, for a seasonal camp; or
  - (2) No later than December 1 for the following calendar year, for a year-round camp.

Env-Wq 903.03 Application Information. Each applicant for a YRC license shall provide the following information on a form obtained from the department:

- (a) The name of the YRC;
- (b) The location where the YRC operates in New Hampshire, by street address and municipality;
- (c) The name, primary mailing address, and daytime telephone number of the YRC owner and, if available, an e-mail address;
- (d) The name, primary mailing address, and daytime telephone number of the YRC operator, and, if available, an e-mail address, if the operator is not the owner;
- (e) If the owner or operator, or both, is other than an individual, the name, daytime telephone number, and, if available, e-mail address for an individual representing the owner or operator, or both, as applicable.
- (f) The name of each lake or river, if any, on which the YRC is located;
- (g) Whether the YRC has operated previously in New Hampshire, and if so the following:
  - (1) A list showing the year(s) the YRC operated;
  - (2) For each year, the name under which the YRC operated, if different from the name in which the current application is being made; and

- (3) Whether the YRC's license has ever been suspended or revoked;
- (h) The capacity of the YRC, as follows:
  - (1) Number of male campers;
  - (2) Number of female campers; and
  - (3) Number of camp staff;
- (i) Whether the YRC is a seasonal camp or a year-round camp;
- (j) For a seasonal camp, the opening date and closing date for campers;
- (k) For a seasonal camp, the seasonal mailing address(es) and daytime telephone number(s) of the YRC owner, if different than the primary mailing address;
- (l) Whether the YRC is a public water system (PWS) or is connected to a PWS, and:
  - (1) If so, the name and EPA ID number of the public water system; and
  - (2) If not, the source of drinking water used by the YRC;
- (m) Whether the YRC is a residence camp or a day camp;
- (n) Whether the YRC prepares or serves food for campers or camp staff; and
- (o) Whether the YRC is connected to a municipal sewer or other community, off-site sewage disposal system or is served by on-site sewage disposal system(s).

Env-Wq 903.04 Additional Information Required for Certain YRC.

- (a) For any YRC that is not a PWS and is not connected to a PWS but that provides drinking water, other than water bottled as specified in RSA 143 and He-P 2100, to campers or camp staff, or both, the YRC owner shall submit results of a current water analysis for bacteria and nitrates with the application.
- (b) For any YRC that is connected during the season to a PWS and that disconnects from the PWS at the end of the season and reconnects prior to the next season, the YRC owner shall submit results of a current water analysis for bacteria with the application.
- (c) For any YRC that is not connected to a municipal sewer or other off-site community sewage disposal system, the applicant shall provide following additional information:
  - (1) The type(s) of toilet facilities and sewage disposal system(s) available;
  - (2) For any system that has been approved by the department, the approval number and date;
  - (3) For any system that has not been approved by the department and which includes a septic tank, a statement of the approximate age of the system and the approximate date of the most recent septic tank pumping or inspection; and
  - (4) For any system that includes a lagoon, the number, date, and name of permittee as shown on the groundwater discharge permit or underground injection control (UIC) permit for the

lagoon.

Env-Wq 903.05 Signature Required.

- (a) The YRC owner or authorized representative shall sign and date the application form and the YRC checklist.
- (b) The signature shall constitute certification that:
  - (1) The signer is the YRC owner or has been authorized by the YRC owner to sign the application;
  - (2) The information provided in and with the application is true, complete, and not misleading to the knowledge and belief of the signer; and
  - (3) The signer understands that any license granted based on false, incomplete, or misleading information shall be subject to suspension or revocation.

Env-Wq 903.06 YRC Checklist.

- (a) The YRC checklist shall consist of a list of the operating standards that apply to the YRC, as specified in Env-Wq 904 through Env-Wq 907.
- (b) As part of the application, the applicant shall identify the status of the YRC with respect to each standard as follows:
  - (1) A status of “YES” means the YRC complies with the standard;
  - (2) A status of “PENDING” means the YRC does not comply with the standard as of the application date but will be brought into compliance prior to the arrival of campers; and
  - (3) A status of “NO” means the YRC does not currently comply with the standard and does not have a plan to come into compliance prior to the arrival of campers.
- (c) For any standard marked as “PENDING” or “NO”, the applicant shall provide a narrative explanation of the reason(s) for the non-compliance and:
  - (1) A brief description of the plan(s) to bring the YRC into compliance; or
  - (2) A request for a waiver of the requirement as specified in Env-Wq 908.

Env-Wq 903.07 Application Processing.

- (a) Upon receipt of an application, the department shall review the application to determine whether the application is complete.
- (b) Except as provided in (e), below, if the application is not complete the department shall notify the applicant in writing of what is needed to complete the application.
- (c) Upon notifying an applicant that the application is not complete, the department shall suspend further processing of the application pending receipt of the information missing from the application.
- (d) No portion of the time between the date a notice is provided pursuant to (b), above, or (e),

below, and the date the applicant responds shall be included in computing the time limits specified in RSA 541-A:29 for processing the application.

(e) The department shall notify the applicant by telephone in lieu of providing a written notice pursuant to (b), above, if:

- (1) The anticipated time required of the applicant to supply the missing information is less than the anticipated time required of the department to notify the applicant in writing; and
- (2) The department is able to contact the applicant by telephone.

Env-Wq 903.08 Approval Criteria.

(a) The department shall approve a YRC license application for a previously-licensed YRC if:

- (1) The applicant submitted a complete application;
- (2) The information supplied by the applicant shows that the YRC:
  - a. Is in compliance with applicable standards specified in Env-Wq 904 through Env-Wq 907 or will be in compliance prior to campers arriving at the YRC; or
  - b. Is being granted a waiver of the requirement pursuant to Env-Wq 908;
- (3) If the YRC is required to submit water test results pursuant to Env-Wq 903.04(a) or (b), the test results show that the water meets applicable drinking water standards for bacteria and, if applicable, nitrates, as specified in Env-Ws 300 or successor rules in subtitle Env-Dw; and
- (4) The YRC's New Hampshire license has not been suspended or revoked or, if the license has been suspended or revoked, the condition(s) which formed the reason(s) for the suspension or revocation have been corrected or will be addressed as provided in (a)(2), above.

(b) The department shall approve a YRC license application for a YRC that has not previously been licensed under these rules or Env-Ws 1120 if:

- (1) The criteria specified in (a)(1)-(3), above, are met; and
- (2) The YRC passes a pre-season inspection conducted by the department.

Env-Wq 903.09 Issuance of YRC License.

(a) If the application is approved, the department shall issue a YRC license to the applicant that contains the following information:

- (1) The YRC license number as assigned by the department;
- (2) The name of the YRC owner;
- (3) Citations to department statutes and rules that apply to the YRC's operation;
- (4) The name of the YRC;
- (5) The location of the YRC by street and municipality;

(6) The date the department issued the license; and

(7) A statement that the license expires at the end of the calendar year of issuance.

(b) The license shall be signed by the director of the department's division of water or the director's designee.

(c) The YRC owner shall post the YRC license in a place where it is likely to be seen by interested parties, such as state and local officials and parents or legal guardians of campers, such as the central YRC office or where official camp notices are posted.

Env-Wq 903.10 Inspection of YRC Facilities.

(a) As specified in Env-Wq 903.08(b)(2), department staff shall inspect a YRC that has not previously been licensed in New Hampshire prior to the YRC receiving a license.

(b) Department staff shall inspect each licensed YRC, while the YRC is operating, to determine compliance with Env-Wq 904 through Env-Wq 907.

(c) If the YRC has a contained YRC campus, then at the time of the inspection, the YRC shall provide to the department a current map of the contained YRC campus that depicts the locations of utility systems, wells and other water system components, and septic tanks, dry wells, leach fields, and other components of each sewage or other wastewater disposal system.

(d) The department shall issue a written inspection report to the YRC owner and director which summarizes the inspection and identifies as a deficiency any condition that does not meet the applicable operating standard specified in Env-Wq 904 through Env-Wq 907, subject to the following:

(1) If the YRC has received a waiver to an operating standard under Env-Wq 908, such standard shall not be identified as a deficiency; and

(2) If the YRC was inspected prior to the arrival of campers and the YRC identified the standard as "PENDING" pursuant to Env-Wq 903.06(b)(2), such standard shall not be identified as a deficiency if the YRC explains at the time of the inspection how the condition will be brought into compliance prior to the arrival of campers.

(e) If the inspection report issued pursuant to (d), above, identifies one or more deficiencies, the YRC owner shall submit proof of compliance with the applicable standard(s) to the department when compliance has been achieved. Proof of compliance shall comprise photographs, invoices, or such other documentation as is appropriate to demonstrate compliance with the particular standard(s) at issue.

Env-Wq 903.11 Suspension or Revocation of YRC License.

(a) Upon determining that conditions exist at a YRC that could adversely affect the health or safety of the campers or camp staff, the department shall initiate an action to suspend or revoke the YRC license in accordance with RSA 541-A:30, RSA 541-A:31, and the provisions of Env-C 200 applicable to adjudicative proceedings.

(b) After a proceeding initiated pursuant to (a), above, the department shall suspend the YRC license if the conditions:

(1) Have adversely affected the health and safety of the campers or camp staff or will



adversely affect the health and safety of the campers or camp staff if left uncorrected;

(2) Resulted from accident or benign neglect; and

(3) Can and will be corrected prior to further endangering the health and safety of the campers or camp staff.

(c) After a proceeding initiated pursuant to (a), above, the department shall revoke the YRC license if the conditions have adversely affected the health and safety of the campers or camp staff or will adversely affect the health and safety of the campers or camp staff if left uncorrected, and:

(1) Were created knowingly or with reckless disregard for camper or camp staff health and safety; or

(2) Cannot be corrected prior to further endangering the health and safety of the campers or camp staff.

#### PART Env-Wq 904 OPERATING STANDARDS: STAFF

##### Env-Wq 904.01 Directors.

(a) Each YRC shall have a director.

(b) The director shall be at least 21 years of age.

(c) The director of a residence camp shall have at least 2 seasons of previous administrative or supervisory experience in residential youth recreation camping.

(d) The director of a day camp shall have at least 2 seasons of previous administrative or supervisory experience in youth recreation camping or other youth recreation programs.

(e) No individual shall be a director who has any criminal conviction for any offense involving:

(1) Causing or threatening direct physical injury to any individual;

(2) Causing or threatening harm of any nature to any child or children; or

(3) Unlawfully taking property of another, whether through force or threat of force or through deception.

##### Env-Wq 904.02 Counselors, Counselors-In-Training, and Junior Counselors.

(a) At least 80 percent of all counselors at a residence camp shall be 18 years of age or older.

(b) At least 80 percent of all counselors at a day camp shall:

(1) Be 16 years of age or older; and

(2) Be 2 years or more older than the campers with whom they are working.

(c) Each counselor, counselor-in-training (CIT), and junior counselor (JC) shall attend a comprehensive training program provided by or through the YRC before commencing any activities with

campers.

(d) No individual shall be a counselor, CIT, or JC who has any criminal conviction for any offense involving:

- (1) Causing or threatening direct physical injury to any individual;
- (2) Causing or threatening harm of any nature to any child or children; or
- (3) Unlawfully taking property of another, whether through force or threat of force or through deception.

Env-Wq 904.03 Other Camp Staff. A YRC shall not employ or otherwise engage, as health staff, kitchen staff, maintenance staff, special recreation staff, volunteer, contractor, or otherwise, any individual who has any criminal conviction for any offense involving:

- (a) Causing or threatening direct physical injury to any individual;
- (b) Causing or threatening harm of any nature to any child or children; or
- (c) Unlawfully taking property of another, whether through force or threat of force or through deception.

Env-Wq 904.04 Verification of Staff Qualifications.

(a) The YRC owner shall verify that the director meets the qualifications specified in Env-Wq 904.01(e) and make a good faith effort to ensure compliance Env-Wq 904.02(d) and Env-Wq 904.03. Compliance with this section shall be evidence of good faith to ensure compliance with the applicable qualifications.

(b) Subject to (c) through (f), below, the YRC owner shall require all camp staff to:

- (1) Authorize or submit the results of:
  - a. A criminal background check in each state where the camp staff member has lived, which may be done through a national database if the database includes all such states; and
  - b. A check of the national sex offender public registry or, if the camp staff has lived in a state that does not participate in the national registry, a check of the sex offender public registry of each state in which the individual has resided; and
- (2) Provide references and a listing of all previous employment and volunteer positions.

(c) For any counselor, CIT, or JC who is younger than 18 years old, the counselor's parent or legal guardian shall sign and submit the following certification in lieu of the results specified in (b)(1), above:

"I certify that [name of minor] meets the requirements for counselors specified in Env-Wq 904.02(e). I understand that this certification will be relied on by the owner(s) and operator(s) of [name of camp] in determining whether to allow [name of minor] to work directly with campers."

(d) For any licensed health professional who is required to submit to a criminal background check in order to be licensed, the YRC owner may accept a currently-valid professional license as proof of

compliance with Env-Wq 904.03.

(e) For any counselor, CIT, or JC who has not resided in the United States and who enters the country under the auspices of an organization that provides opportunities for foreign nationals to be a counselor at a camp in the United States, such as the International Camp Counselor Program (ICCP), Camp America, British University North America Club (BUNAC), Camp Leaders, or Camp Counselors USA (CC USA), the background check required to obtain the applicable visa shall meet the requirements of (b), above.

(f) For any YRC that is a certified provider under RSA 170-G:4, XVIII, the background check required for such certification may be used to satisfy the requirement of (b)(1), above.

(g) The YRC owner or, at the owner's discretion, the director, shall:

- (1) Review the results of the background checks and certifications;
- (2) Subject to (h), below, review the submitted references and previous employment and volunteer information and check a sufficient number to become satisfied as to the individual's suitability to work at the YRC; and
- (3) Conduct a personal interview with each individual hired or otherwise engaged as camp staff.

(h) If the YRC owner or director is sufficiently familiar with an individual who wishes to join the YRC's staff such that he or she believes a check of references is unnecessary, the YRC owner or director may rely on his or her personal knowledge of the individual in lieu of requiring references and a list of employment and volunteer positions.

## PART Env-Wq 905 OPERATING STANDARDS: FACILITIES AND EQUIPMENT

### Env-Wq 905.01 Camp Facilities.

(a) All camp facilities and grounds shall be maintained in good repair to ensure safe and sanitary conditions.

(b) Ventilation in camp facilities shall provide a movement of air to assure the comfort and protection of the occupants.

(c) Doors, windows, and other outer openings of camp facilities used for food storage, preparation, or consumption shall be screened with a mesh having at least 18 strands by 16 strands per square inch in all but the following circumstances:

- (1) First floor windows if designated to be used for emergency egress;
- (2) Doors which are opened for normal or emergency ingress or egress; and
- (3) Any other time when such openings are left ajar for a specific purpose at such times of the day or seasons of the year so as not to allow insects into the affected room(s).

Env-Wq 905.02 Vehicles. Any vehicle used to transport campers shall meet the applicable safety and operator requirements established by the New Hampshire department of safety.

Env-Wq 905.03 Sleeping Quarters.

(a) Sleeping quarters in buildings shall meet the following criteria:

- (1) Sleeping units shall be arranged to provide a minimum floor area ratio of 40 square feet per single bunk and 60 square feet per double bunk;
- (2) Suitable protection shall be provided against insects; and
- (3) A distance of at least 6 feet shall be provided between the heads of sleepers and at least 30 inches between beds or bunkbeds.

(b) Each permanent building in which individuals sleep shall have one or more emergency exits for use in the case of fire as required by the state fire safety code, Saf-C 6000. A ladder shall not be considered as an adequate means of escape from a second story or higher.

(c) All sleeping quarters located above the first floor, and all sleeping quarters with an occupancy of more than 12 persons, shall have at least 2 means of egress.

(d) Each sleeping area shall have at least one operating automatic fire warning device as defined in RSA 153:1, I.

(e) The number of campers in a tent shall not exceed the manufacturer's rating for the tent.

Env-Wq 905.04 Fire Safety for Sleeping and Assembly Areas.

(a) Fire safety for sleeping and assembly areas shall comply with applicable provisions of RSA 153 and the state fire safety code, Saf-C 6000, and the specific requirements of (b) through (f), below. In the event of any conflict between (b) through (f), below, and the state fire code, the more stringent requirement shall apply.

(b) At least one means of egress from any level above or below a main floor exit shall be an enclosed interior stairway or exterior stairway, or a fire escape, that does not merge with or otherwise interfere with egress from the main floor exit.

(c) At least one fire extinguisher shall be located:

- (1) Within a 300-foot radius of any area, whether indoors or outdoors, in which campers or camp staff sleep; and
- (2) In any interior area in which campers or camp staff assemble for meetings or other activities.

(d) The fire extinguisher(s) placed pursuant to (b)(1), above, shall be mounted on a wall or other vertical surface.

(e) All fire extinguishers shall be inspected, accessible, and properly tagged:

- (1) Annually for year-round camps; and
- (2) Immediately prior to opening for seasonal camps.

(f) The location of each fire extinguisher shall be clearly marked.

Env-Wq 905.05 Notification of Emergency Responders.

(a) Subject to (d), below, the YRC owner, or designee, shall notify the local police, fire, and rescue departments:

- (1) Annually for year-round camps; and
- (2) Immediately prior to opening for seasonal camps.

(b) The notification required by (a), above, shall:

- (1) Be in writing;
- (2) Include the opening and closing dates for seasonal camps; and
- (3) Be delivered in hand or sent via private delivery service, U.S. Postal Service, or email.

(c) The YRC owner, or designee, shall:

- (1) Retain a paper copy of the notification; and
- (2) Provide it upon request to department personnel.

(d) For any YRC located within an area that is served by full-time, non-volunteer emergency response personnel even when the YRC is not in operation, notice as specified in (a), above, shall be required only if requested by the local emergency response agencies.

Env-Wq 905.06 Drinking Water and Plumbing.

(a) Water used at the YRC for drinking, food preparation, and cleanup shall comply with the drinking water standards for bacteria and nitrates specified in Env-Ws 300 or successor rules in subtitle Env-Dw.

(b) No cross-connection shall exist between approved and unapproved sources of water supply. Fixtures shall be so constructed as to involve no interconnections and no hazard of back-siphonage, as specified in Env-Ws 364 or successor rules in subtitle Env-Dw.

(c) All plumbing, including drinking water fountains, shall conform to the applicable requirements of the state building code as established in RSA 155-A.

(d) If the YRC does not receive drinking water from a PWS, the YRC's source of drinking water shall be:

- (1) Located to avoid contamination from buildings or wastewater disposal, if a surface water source; or
- (2) Constructed in accordance with the standards for drinking water wells established in We 100-1000.

(e) Drinking water shall not be removed from a source by dipping or drawing by a bucket.

(f) The distance between the YRC water supply and sanitary waste disposal shall meet the criteria

set forth in Env-Wq 1000 unless a waiver is granted by the commissioner pursuant to Env-Wq 1001.02.

Env-Wq 905.07 Water Testing and Treatment.

(a) A YRC that is a PWS shall have its drinking water analyzed pursuant to Env-Ws 321-329 or successor rules in subtitle Env-Dw in accordance with the sampling schedule set forth in Env-Ws 325 or successor rules in subtitle Env-Dw, and separate testing under this chapter shall not be required.

(b) A YRC that is not a PWS shall have its drinking water analyzed for bacteria and nitrates within 30 days prior to the opening date of the YRC season.

(c) The analyses required by (b), above, shall be conducted by a laboratory accredited for drinking water bacteria and nitrate analyses by the department pursuant to Env-C 300.

Env-Wq 905.08 Natural Waters and Beaches.

(a) Natural waters used for swimming shall meet or exceed Class B criteria as specified in RSA 485-A:8 and Env-Wq 1700.

(b) A beach that is part of the YRC property shall meet the following health criteria:

- (1) The shore shall be free of litter;
- (2) Domestic animals shall be prohibited from the beach and swimming area; and
- (3) Detergents, personal bathing, and vehicle washing shall be prohibited in the water.

(c) Beach structures shall meet the following criteria:

- (1) Diving boards shall:
  - a. Be firmly affixed to a dock or float; and
  - b. Have a top surface that is slip-resistant; and
- (2) Docks, floats, and platforms shall be maintained in good repair.

(d) Safety systems and procedures for use of the beach shall be as follows:

- (1) A first-aid kit shall be available at the beach, equipped with such items as lifeguard staff deem necessary to address emergency situations that are likely to occur at the waterfront;
- (2) All water activities shall be permitted only under the supervision of an American Red Cross certified lifeguard or another individual certified in an equivalent national recognized course having standards no less stringent than the life guard course offered by the American Red Cross;
- (3) There shall be one certified lifeguard for every 25 campers participating in water activities;
- (4) There shall be at least one camp staff member or lifeguard for each 10 campers participating in water activities;
- (5) A safety accounting system for supervising and checking campers participating in water

activities shall be in place;

(6) During non-instructional time, a check of campers participating in water activities shall be made at least every 15 minutes and referenced against the safety accounting system;

(7) There shall be supervised entrances and exits and a lifeguard station providing an unobstructed view of the swimming area; and

(8) A lost-swimmer plan detailing procedures to be followed in an emergency shall be in place.

#### Env-Wq 905.09 Swimming Pools.

(a) A swimming pool that is part of a YRC shall meet the criteria specified in Env-Wq 1100 for public swimming pools.

(b) Safety systems and procedures for use of the pool shall be as follows:

(1) A first-aid kit shall be available at the pool, equipped with such items as lifeguard staff deem necessary to address emergency situations that are likely to occur at the pool;

(2) All water activities shall be permitted only under the supervision of an American Red Cross certified lifeguard or another individual certified in an equivalent national recognized course having standards no less stringent than the life guard course offered by the American Red Cross;

(3) There shall be one certified lifeguard for every 25 campers participating in water activities;

(4) There shall be at least one camp staff member or lifeguard for each 10 campers participating in water activities;

(5) A safety accounting system for supervising and checking campers participating in water activities shall be in place;

(6) During non-instructional time, a check of campers participating in water activities shall be made at least every 15 minutes and referenced against the safety accounting system;

(7) There shall be supervised entrances and exits and a lifeguard station providing an unobstructed view of the swimming area; and

(8) A lost-swimmer plan detailing procedures to be followed in an emergency shall be in place.

#### Env-Wq 905.10 Toilet Facilities.

(a) Toilet facilities shall:

(1) Include one toilet for every 10 persons in a resident camp;

(2) Include one toilet for every 30 persons in a day camp;

(3) Be located, constructed, and maintained to ensure safe and sanitary conditions; and

- (4) Contain at least one toilet for each gender with a door or curtain for privacy.
- (b) Urinals may be substituted for up to 1/3 of the toilets in toilet facilities for males.
- (c) Floors and walls in toilet facilities shall be sealed with polyurethane or paint up to a height of not less than 48 inches.
- (d) Badly worn or chipped toilet seats shall be repaired or replaced.
- (e) All toilet facilities shall be supplied with toilet paper at all times.
- (f) A sink for hand washing with soap and towels shall be available within or immediately outside the toilet facility.
- (g) Privies shall meet the following conditions:
  - (1) The privy shall be constructed in accordance with Env-Wq 1022.01;
  - (2) Privies shall be located:
    - a. At least 100 feet from any place where food is prepared or served;
    - b. At least 75 feet from any surface water; and
    - c. At least 200 feet up-gradient of any well or spring;
  - (3) Privy contents shall be:
    - a. Removed as often as necessary to prevent the pit from being filled to within one foot of the top of the pit; and
    - b. Disposed of in accordance with Env-Wq 1600.
  - (4) The contents of the pit shall be covered daily with lime or other suitable agent to eliminate insects and odors;
  - (5) The materials for liming and disinfection shall be kept in proximity to the privy so as to be readily available for use;
  - (6) The privy and the pit shall be made fly-tight and provided with self-closing lids; and
  - (7) Clean and sanitary conditions shall be maintained at all times.
- (h) Chemical toilets shall be maintained and pumped by a septage hauler licensed in accordance with Env-Wq 1600.

Env-Wq 905.11 Sewage Disposal Facilities. All on-site septic systems shall be designed, constructed, and maintained in accordance with Env-Wq 1000.

Env-Wq 905.12 Garbage and Waste Disposal; Toxic Chemical Storage.

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags or wet-strength paper bags shall be used



to line such containers when maintained inside the areas used for food storage, preparation, or consumption.

(b) Garbage and refuse containers stored outdoors and dumpsters, compactors, and compactor systems shall be:

- (1) Easily cleanable;
- (2) Provided with tight fitting lids, doors, or covers; and
- (3) Kept covered when not in actual use.

(c) For any container equipped with a drain, the drain plug shall be in place at all times, except during cleaning.

(d) Cleaning and toxic materials shall be:

- (1) Stored in properly labeled and safe containers;
- (2) Stored in an area separate from food; and
- (3) Used only by or under the supervision of camp staff.

#### PART Env-Wq 906 OPERATING STANDARDS: FOOD STORAGE, PREPARATION, AND SERVICE

Env-Wq 906.01 Food and Food Storage. The sanitary storage, handling, and protection of all food supplies, including refrigeration of perishable products, shall comply with He-P 2300, and, in particular, the following:

(a) Food shall be safe for human consumption;

(b) Food subject to deterioration shall be kept at an internal temperature of 41°F, 5°C, or below or at an internal temperature of 140°F, 60°C, or above during display and serving, except that rare roast beef shall be held for serving at a temperature of at least 130°F, 54.4°C, as specified in He-P 2304.08. A food thermometer shall be used to confirm that the above temperatures are achieved;

(c) A walk-in cooler or freezer shall have:

- (1) Walls, ceilings, and permanent shelving sealed with a non-peeling coating which is easily cleaned;
- (2) A thermometer placed conspicuously in the warmest part of the cooler or freezer; and
- (3) Where consistent with the design, water from the cooling unit drain outside the cooler and not drain directly on to the cooler floor;

(d) Food stored in a walk-in cooler or freezer shall be:

- (1) On shelves or on pallets, at least 6 inches above the floor; and
- (2) In cartons or other containers or on trays, not directly on cooler or freezer shelves or pallets;

- (e) Areas used for food storage shall be kept clean at all times;
- (f) Food shall be protected from potential contamination, including but not limited to dust, insects, rodents, and unclean equipment while being stored;
- (g) Fly paper shall not be used in the kitchen; and
- (h) Smoking shall be prohibited in food storage areas.

Env-Wq 906.02 Food Preparation and Service. The preparation and service of all food shall comply with He-P 2300, and, in particular, the following:

- (a) No person shall prepare food if that person has or is suspected of having a disease that can be spread by food handling as specified in He-P 2305.01(b);
- (b) Kitchen employees shall wash their hands prior to preparing food and prior to serving food;
- (c) All food service areas with hot and cold running water shall have hand cleaner and towels or air dryers;
- (d) Any food service area that does not have hot and cold running water shall have waterless hand cleaner and sanitizer;
- (e) Kitchen workers shall use hair restraints to prevent hair from contacting food or food service items;
- (f) Areas used for food preparation or service, or both, shall be kept clean at all times;
- (g) Food being served shall be protected from potential contamination, including but not limited to dust, insects, rodents, and unclean equipment; and
- (h) Smoking shall be prohibited during food preparation and serving and in all food preparation and serving areas.

Env-Wq 906.03 Milk and Cream.

- (a) Milk and cream and mixed milk drinks supplied to campers shall be produced and handled in accordance with He- P 2303, He-P-2304, and applicable federal regulations and, in particular, the requirements listed in (b) through (f), below.
  - (b) Only pasteurized milk and cream shall be used.
  - (c) Milk and milk products for drinking purposes shall be provided to the consumer:
    - (1) In an unopened, commercially-filled individual serving carton, bottle, or other package; or
    - (2) From a commercially-filled bulk container stored in a mechanically refrigerated dispenser.
  - (d) Milk and milk products shall be poured from a commercially-filled container only if:
    - (1) A bulk dispenser for milk and milk products is not available; and

- (2) Portions of less than one-half pint are required for mixed drinks, cereal, or dessert service.
- (e) Pitchers shall not be used to serve milk.
- (f) All milk that has been served from a commercially-filled container and all milk served in individual containers that have been opened shall be discarded if not consumed.

Env-Wq 906.04 Dishwashing.

- (a) Following each use, all reusable items used for food storage, preparation, or consumption, including but not limited to storage containers, pots, pans, baking dishes, utensils, cups, glasses, dishes, plates, bowls, spoons, forks, and knives, shall be cleaned in compliance with He-P 2300, and, in particular, He-P 2308.
- (b) The following shall apply specifically to manual dishwashing:
  - (1) All reusable items shall be cleansed by washing with use of a cleaning agent in water of not less than 130°F, 54.4°C and then sanitized or disinfected by:
    - a. Scalding, by thorough drenching with water of not less than 170°F, 77°C, at the point of contact; or
    - b. Complete immersion of the article for not less than 2 minutes in a cold chlorine solution of not less than 100 parts per million of available chlorine;
  - (2) Where hot water is used as the sanitizing agent, a thermometer shall be used to measure and indicate the temperature of the wash and rinse water before and during washing. This thermometer shall be kept in close proximity to the washing area so as to be readily available for use;
  - (3) Washing, rinsing, and sanitizing shall be in accordance with He-P 2308.03;
  - (4) Following sanitization or disinfection, all items shall be set on a sanitary drain rack to air dry; and
  - (5) Towels shall not be used to drain or dry any item.

Env-Wq 906.05 Fire Safety in Food Storage, Preparation, and Service Areas.

- (a) Fire safety in food storage, preparation, and service areas shall comply with the applicable provisions of the state fire safety code, Saf-C 6000, and (b) through (f), below. In the event of any conflict between (b) through (f), below, and the state fire code, the more stringent requirement shall apply.
- (b) A fire suppression system and hood shall be installed over deep fryers and stoves with open flame grills.
- (c) Electrical outlets installed near water sources shall be ground fault interrupter (GFI) protected.
- (d) At least one "ABC" type fire extinguisher shall be:
  - (1) Mounted on the wall in the kitchen area not immediately adjacent to the stove; and
  - (2) Clearly identified.

(e) Ovens shall be properly ventilated.

(f) Automatic fire warning devices as defined in RSA 153:1, I, shall be installed in all interior areas used for food storage, preparation, or consumption.

## PART Env-Wq 907 OPERATING STANDARDS: HEALTH

### Env-Wq 907.01 Required Health Staffing: Day Camps.

(a) Subject to (b), below, a day camp that is not operated for campers who are physically or mentally disabled shall have, whenever campers are present, a camp staff member who is certified in CPR/FPR and a camp staff member who is:

- (1) Certified as an Emergency Medical Technician (EMT);
- (2) Certified in Responding to Emergencies;
- (3) Certified in First Responder;
- (4) Certified in Emergency Response; or
- (5) A registered nurse, licensed practical nurse, or physician.

(b) The camp staff member who is certified in CPR/FPR and the camp staff member who qualifies under (a)(1)-(5) may be the same individual.

(c) The camp staff member certified in CPR/FPR whose training is used to meet the requirements of (a), above, shall have been certified or had such certification renewed within 12 months of the opening of the YRC for the season.

(d) The camp staff member certified in a course identified in (a), above, other than CPR/FPR, whose training is used to meet the requirements of (a), above, shall have been certified or had such certification renewed within 3 years of the opening of the YRC for the season.

(e) In a day camp that is operated for campers who are physically or mentally disabled, there shall be employed, and in residence in the camp at all times the camp is operating, at least one of the following:

- (1) A registered nurse (RN), licensed practical nurse (LPN), or advanced registered nurse practitioner (ARNP) who:
  - a. Is licensed in New Hampshire or authorized under RSA 326-B:46, Nurse Licensure Compact, to provide nursing care to patients in New Hampshire;
  - b. Is experienced in assessing health conditions in children; and
  - c. Meets the requirements of (a), above;
- (2) A physician licensed to practice in New Hampshire; or
- (3) A physician assistant (P.A.) licensed to practice in New Hampshire who:

- a. Is experienced in assessing health conditions in children; and
- b. Meets the requirements of (a), above.

(f) If a New Hampshire-licensed P.A. is used to satisfy the requirements of (e), above, the P.A. shall provide a copy of the written agreement with the P.A.'s supervising New Hampshire-licensed physician to the YRC.

(g) Each health staff member shall post a copy of his or her New Hampshire license(s) in a conspicuous location in the camp office or infirmary. For RNs, LPNs, or ARNPs licensed in New Hampshire, a copy of the license verification as obtained through the New Hampshire board of nursing's on-line license verification system may be substituted for a copy of the license.

(h) The YRC owner shall ensure that all health staff comply with Lab 1403.08, regarding reducing the risk of exposure to blood-borne pathogens.

Env-Wq 907.02 Required Health Equipment: Day Camps.

(a) A day camp shall have either:

- (1) A first aid cabinet as specified in Env-Wq 907.05(a)(1); or
- (2) At least one first aid kit containing such items as health staff deem necessary to address health issues likely to arise at the YRC.

(c) Excluding epinephrine auto-injectors or asthma inhalers possessed pursuant to RSA 485-A:25-b through RSA 485:25-g, all medications or prescription drugs, including refrigerated items, shall be kept in a locked container.

(d) The YRC shall implement a sharps disposal pursuant to Env-Sw 904.

Env-Wq 907.03 Required Health Staffing: Residence Camps.

(a) A residence camp where the number of campers and camp staff is no greater than 75 and that is not operated for campers who are physically or mentally disabled shall comply with the requirements specified in Env-Wq 907.01(a)-(d) at all times the camp is operating.

(b) A residence camp that is operated for campers who are physically or mentally disabled or where the total number of campers and camp staff is at any time greater than 75 shall comply with Env-Wq 907.01(e)-(f).

(c) Each health staff member shall post his or her New Hampshire license(s) in a conspicuous location in the camp office or infirmary. For RNs, LPNs, or ARNPs licensed in New Hampshire, a copy of the license verification as obtained through the New Hampshire board of nursing's on-line license verification system may be substituted for a copy of the license.

(d) The YRC owner shall ensure that all health staff comply with Lab 1403.08, regarding reducing the risk of exposure to blood-borne pathogens.

Env-Wq 907.04 Medical Supervision at Residence Camps.

(a) All residence camps shall provide by contract for 24-hour per day, 7-day per week on-call medical service and supervision of all first aid and health services in the YRC by:

- (1) A physician licensed to practice in New Hampshire; or
- (2) A hospital emergency service.

(b) If a physician licensed to practice in New Hampshire and meeting the requirements of Env-Wq 907.02(a) is in residence at and employed by a YRC, the requirements of (a), above, shall be deemed to have been met.

(c) The physician under contract pursuant to (a) or (b), above, shall issue written instructions, signed by the physician, to the individual responsible for providing first aid, to be followed in the absence of the physician.

(d) The YRC owner or director shall post the instructions prepared pursuant to (c), above, in a conspicuous place in the infirmary.

(e) The YRC owner shall provide a telephone or other means of emergency communication in the YRC, or ensure that such communication is available within 10 minutes travel time from the YRC.

Env-Wq 907.05 Required Health Equipment and Facilities: Residence Camps.

(a) The director shall maintain the following first aid related items at the YRC at all times:

- (1) A first aid cabinet, which shall be:
  - a. Kept fully equipped at all times with such items as health staff deem necessary to address health issues likely to arise at the YRC; and
  - b. If containing medications, locked when not in use; and

(2) A backboard with head blocks and straps and proper immobilization equipment, such as straps, cervical collar, or blankets.

(b) Camp facilities shall include any needed isolation facilities.

(c) Where the YRC provides an infirmary building or room, such quarters shall:

- (1) Be isolated from the regular living and sleeping quarters to insure both quiet to the patient and safety to others; and
- (2) Not be used for any other purposes.

(d) Excluding epinephrine auto-injectors or asthma inhalers possessed pursuant to RSA 485-A:25-b through RSA 485:25-g, all medications or prescription drugs, including refrigerated items, shall be kept in a locked container.

(e) The YRC shall implement a sharps disposal pursuant to Env-Sw 904.

Env-Wq 907.06 Required Health Staffing: Off-site Overnight Camping.

(a) Camp staff supervising overnight camping shall carry a first aid kit equipped with such items as the YRC health staff deems necessary to address emergency situations that might occur.

- (b) At least one camp staff member on an overnight trip shall be certified in:
  - (1) American Red Cross Community First Aid and Safety, an approximate 10 hour course; or
  - (2) Any other nationally recognized course that teaches Community First Aid and Safety based on standards that are no less stringent than the Community First Aid and Safety course offered by the American Red Cross.
- (c) Subject to (d), below, on any overnight camping trip involving boating or swimming, at least one camp staff member shall be:
  - (1) Certified as a lifeguard by the American Red Cross; or
  - (2) Certified in an equivalent nationally-recognized course based on standards that are no less stringent than the lifeguard course offered by the American Red Cross.
- (d) Having a camp staff member be a certified lifeguard shall not be required if a certified lifeguard is otherwise on duty at the site of the boating or swimming.
- (e) Drinking water obtained from sources such as streams, wells, and pumps during the trip shall be considered as unsafe unless:
  - (1) Disinfected by adding chlorine or iodine;
  - (2) Filtered by the use of a drinking water filtration device intended to remove microorganisms; or
  - (3) Disinfected by achieving a rolling boil for one minute.

Env-Wq 907.07 Communicable Diseases Isolation and Reporting.

- (a) As required by He-P 301.03, any case or suspected case of a reportable disease, as listed in He-P 301.02, shall be reported by:
  - (1) The physician or other health care provider who assessed, diagnosed, or treated the individual believed to have or suspected of having a reportable disease; or
  - (2) When no physician or other health care provider is in attendance, the director.
- (b) The report identified in (a), above, shall include all of the information required by He-P 301.03, including the name and home address of the individual known to have or suspected of having the reportable disease.
- (c) An individual with a communicable disease shall be placed in isolation and not leave or be removed from strict isolation without permission of the YRC health staff.

Env-Wq 907.08 Reporting of Other Illnesses. When an outbreak of suspected food poisoning or other unusual prevalence of any illness occurs in which headache, muscle stiffness, general malaise, fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, the health staff or director shall immediately report the existence of such an outbreak or disease pursuant to He-P 300.

Env-Wq 907.09 Physical Examination Prior to Admission.

(a) Each camper and camp staff member entering a YRC shall provide a health history and statement of health status prior to attending the YRC. As specified in RSA 485-A:25-a, the examination on which the statement of health status is based may be conducted by a physician, licensed advanced registered nurse practitioner, or physician assistant.

(b) The statement required by (a), above, shall include a certification that the physical examination has been completed within 2 years prior to YRC entrance. The form "Health Memorandum for Schools and Camp" published by the American Academy of Pediatrics shall be sufficient for this statement.

(c) Unless exempted in accordance with RSA 141-C:20-c, every camper and camp staff member born after December 31, 1956, shall provide documentation, in accordance with (e), below, of immunization against measles.

(d) Unless exempted in accordance with RSA 141-C:20-c, every camper and camp staff member regardless of age shall provide documentation in accordance with (e), below, consistent with He-P 301.14, of immunization against hepatitis B, mumps, rubella, polio, tetanus, and diphtheria.

(e) The following documents required by (c) and (d), above, shall be presented to the director prior to entry into the YRC:

(1) Documentation of at least the initial immunization against hepatitis B for children born on or after January 1, 1993;

(2) For measles, documentation of the appropriate application of measles vaccine, laboratory evidence of immunity, or physician documentation of measles;

(3) For mumps, documentation of the appropriate application of mumps vaccine, laboratory evidence of immunity, or physician documentation of mumps;

(4) For rubella, documentation of the appropriate application of rubella vaccine, laboratory evidence of immunity, or physician documentation of rubella;

(5) For polio, documentation of the appropriate application of polio vaccine, except that a polio vaccine shall not be required for persons over 18 years of age who do not have documentation of previous immunization;

(6) For tetanus and diphtheria, documentation of the appropriate application of tetanus/diphtheria toxoid, with one tetanus booster being given within the last 10 years; and

(7) For tuberculosis, the YRC medical staff shall develop a policy which takes into consideration the latest revision of the tuberculosis control program tuberculosis skin testing recommendations for schools and day care centers, from the department of health and human services, bureau of communicable disease, unless superseded by legislation or administrative rule which mandates the protocol for screening for this disease.

(f) The YRC owner shall retain all documentation required by (c), (d), and (e) above, for no less than 2 years.

Env-Wq 907.10 Possession and Use of Epinephrine Auto-Injectors and Asthma Inhalers at Recreation Camps. The availability, use, and possession of epinephrine auto-injectors and asthma inhalers shall be as specified in RSA 485-A:25-b through RSA 485-A:25-g, as contained in Appendix B.



## PART Env-Wq 908 WAIVERS

Env-Wq 908.01 Purpose and Applicability.

(a) The rules contained in this chapter are intended to apply to a variety of YRCs and a variety of conditions that may arise at a YRC. The purpose of this section is to accommodate those situations where strict compliance with all requirements established herein may not be necessary for the protection of the safety and health of campers and camp staff.

(b) The provisions of this part shall be used to request a waiver from any requirement established in this chapter.

Env-Wq 908.02 Application.

(a) A request for a waiver shall be filed with an application for a YRC license or as soon thereafter as the need for the waiver is identified.

(b) The applicant shall include the following information with each request for a waiver:

- (1) A specific reference to the section of the rule for which a waiver is being sought;
- (2) A full explanation of why a waiver is necessary;
- (3) A full explanation of the alternative(s) proposed to be implemented if a waiver is granted, if any;
- (4) Whether the waiver is needed for a limited time and, if so, what that time period is; and
- (5) A full explanation of why granting the waiver will not jeopardize the health and safety of campers and camp staff.

Env-Wq 908.03 Decision on Request for Waiver.

(a) Subject to (b), below, the department shall grant a waiver if it determines that granting a waiver will not jeopardize the health and safety of campers and camp staff. In granting a waiver, the department shall impose such conditions, including time limitations, as the department deems necessary to ensure that the health and safety of campers and camp staff are protected.

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement, unless the statute expressly provides that the requirement may be waived or modified.

(c) If a waiver is granted, the waiver shall be made part of the license.

(d) If the waiver request is denied, the department shall notify the applicant in writing of the decision and the reason(s) therefor.

**APPENDIX A**

<b>Rule Sections</b>	<b>State Statues Implemented</b>
Env-Wq 901 - Env Wq 902	RSA 485-A:23; RSA 485-A:24
Env-Wq 903	RSA 485-A:24; RSA 485-A:25, I(a)
Env-Wq 904 - Env-Wq 907 (see also specific sections below)	RSA 485-A:23; RSA 485-A:24
Env-Wq 907.09	RSA 485-A:25-a
Env-Wq 907.10	RSA 485-A:25-b through 25-g
Env-Wq 908	RSA 541-A:22, IV

**APPENDIX B****RSA 485-A:25-b Possession and Use of Epinephrine Auto-Injectors at Recreation Camps. – A**

recreation camp shall permit a child with severe, potentially life-threatening allergies to possess and use an epinephrine auto-injector, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) Any severe adverse reactions that may occur to another child, for whom the epinephrine auto-injector is not prescribed, should such a pupil receive a dose of the medication.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an epinephrine auto-injector in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the epinephrine auto-injector at the camp or at any camp-sponsored activity, event, or program.

V. In this section, "physician" means any physician or health practitioner with the authority to write prescriptions.

**Source.** 2003, 50:2, eff. Aug. 15, 2003.

**RSA 485-A:25-c Use of Epinephrine Auto-Injector. –** Immediately after using the epinephrine auto-injector, the child shall report such use to the nurse or another camp employee to enable the nurse or camp employee to provide appropriate follow-up care.

**Source.** 2003, 50:2, eff. Aug. 15, 2003.

**RSA 485-A:25-d Availability of Epinephrine Auto-Injector. –** The recreational camp nurse or, if a nurse is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child with severe allergies at least one epinephrine auto-injector, provided by the child, in the nurse's office or in a similarly accessible location.

**Source.** 2003, 50:2, eff. Aug. 15, 2003.

**RSA 485-A:25-e Immunity.** – No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an epinephrine auto-injector if the provisions of RSA 485-A:25-b have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an epinephrine auto-injector by a child.

**Source.** 2003, 50:2, eff. Aug. 15, 2003.

**RSA 485-A:25-f Possession and Use of Asthma Inhalers at Recreation Camps.** – A recreation camp shall permit a child to possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, if the following conditions are satisfied:

I. The child has the written approval of the child's physician and the written approval of the parent or guardian. The camp shall obtain the following information from the child's physician:

- (a) The child's name.
- (b) The name and signature of the licensed prescriber and business and emergency numbers.
- (c) The name, route, and dosage of medication.
- (d) The frequency and time of medication administration or assistance.
- (e) The date of the order.
- (f) A diagnosis and any other medical conditions requiring medications, if not a violation of confidentiality or if not contrary to the request of the parent or guardian to keep confidential.
- (g) Specific recommendations for administration.
- (h) Any special side effects, contraindications, and adverse reactions to be observed.
- (i) The name of each required medication.
- (j) At least one emergency telephone number for contacting the parent or guardian.

II. The recreational camp administrator or, if a nurse is assigned to the camp, the nurse shall receive copies of the written approvals required by paragraph I.

III. The child's parent or guardian shall submit written verification from the physician confirming that the child has the knowledge and skills to safely possess and use an asthma inhaler in a camp setting.

IV. If the conditions provided in this section are satisfied, the child may possess and use the inhaler at the camp or at any camp sponsored activity, event, or program.

V. In this section, "physician" includes any physician or health practitioner with the authority to write prescriptions.

**Source.** 2003, 51:4, eff. Aug. 15, 2003.

**RSA 485-A:25-g Immunity.** – No recreational camp or camp employee shall be liable in a suit for damages as a result of any act or omission related to a child's use of an inhaler if the provisions of RSA 485-A:25-f have been met, unless the damages were caused by willful or wanton conduct or disregard of the criteria established in that section for the possession and self-administration of an asthma inhaler by a child.

**Source.** 2003, 51:4, eff. Aug. 15, 2003.